



City of Rialto

Legislation Text

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For City Council Meeting and Rialto Utility Authority [July 12, 2016]

TO: Honorable Mayor and City Council

APPROVAL: Michael E. Story, City Administrator

FROM: Robert G. Eisenbeisz, P.E., Public Works Director/City Engineer

Request City Council to Approve the Sixth Amendment to the Professional Services Agreement with West Yost Associates, a California corporation, Year Four (4) of the Five (5) Year Professional Services Agreement in the Amount of \$658,406 for Fiscal Year 2016/17 and Revise the Total Cumulative Contract Cost to the Amount of \$3,452,927.50.

(ACTION)

BACKGROUND:

On October 8, 2013, City Council approved a 5-Year Professional Services Agreement (PSA) with LEIDOS Engineering, LLC (LEIDOS) for Administrative Oversight and Professional Engineering Support Services Associated with the City of Rialto Concession Agreement with Rialto Water Services, LP (RWS). For fiscal year 2013-2014, the PSA provided compensation in the amount of \$276,763.

On January 14, 2014, City Council approved Amendment No. 1 with LEIDOS to provide technical review of the Emhart Remedy work plan under the Consent Decree for the perchlorate settlement. The Emhart Remedy work plan is a remedial action to intercept and remove ground water within a target area of the Rialto-Colton Basin contaminated by perchlorate. The additional compensation was \$29,659 for a total amended authorization of \$306,422 during fiscal year 2013/14, which carried forward to FY2014/15.

On July 22, 2014, City Council approved a purchase order for the 2nd year of the 5-Year PSA with LEIDOS for \$438,330 during fiscal year 2014/15. On September 9, 2014, City Council approved Amendment No. 2 with LEIDOS for \$163,038.50 providing capital project development assistance and collaboration with Veolia and RWS. The Second Amendment added \$103,038.50 to the purchase authorization for fiscal year 2013/14, increasing the total amended authorization to \$409,460.50. The Second Amendment also added \$60,000 to the purchase authorization for fiscal year 2014/15, increasing the total amended authorization to \$498,330.

On January 13, 2015, City Council approved the Assignment and Assumption of Contract by and between LEIDOS Engineering, LLC and West Yost Associates.

City Council approved Amendment No. 3 authorizing the Third (3rd) Year of the PSA in the Amount of \$928,218 for Fiscal Year 2015/16. This amendment increased the contract price in the amount of \$224,720 for Fiscal Year 2014/2015 and \$481,843 for Fiscal Year 2015/2016 revising the Total

Contract Cost to the Amount of \$2,314,224. The increase in costs is reflective of the additional workload for several contracted tasks including providing engineering assistance during construction for the Capital Improvement Project to replace the Digester Lid at the Wastewater Treatment Plant, additional meetings and staff support and other studies in related to development projects, including the Bloomington Affordable Housing Development project.

The City Council approved Amendment No. 4 with West Yost in the Amount of \$25,762 to provide construction management and inspection services for the Dystor Installation project on July 14, 2015.

On January 12, 2016, the City Council approved Amendment No. 5 allowing West Yost to provide a greater than anticipated role in managing the activities associated with the Rialto Water Services Concession Agreement. Among the services requested are:

- Completing the Recycled Water Master Plan Update.
- Providing support for the City's participation in the Regional Recycled Water Feasibility Analysis project as led by San Bernardino Valley Municipal Water District.
- Provide support to the City in the Emhart Remediation Activities. West Yost has been requested to perform hydraulic models, prepare technical memorandums and participate in conference calls with Emhart's attorneys and consultants, City staff and the legal team as the group works toward the determination of an acceptable solution that would allow water to be transferred through the City of Rialto's water system to the City of Colton as described in the Four Party Implementation agreement.

ANALYSIS/DISCUSSION:

The City continues to require engineering and specialized assistance services for several tasks related to the City's water and wastewater operations and capital improvements. Staff recommends allocating additional resources for West Yost to provide a greater than anticipated role in managing the activities associated with the Rialto Water Services Concession Agreement. These services are described below, in the proposal submitted by West Yost, and in the proposed Sixth Amendment, included as **Attachments 1 and 2**, respectively.

The significant changes in scope are listed below:

Task 3 - Review Monthly & Annual O&M Customer Service Reports

Additional support is needed in this area to support the City's efforts review of the monthly and annual reports.

Task 18 - Additional Meetings, Coordination and Staff Support

West Yost provides support and staffing assistance to the City's Public Works Department. This effort is still needed and will include attendance at and/or providing support to the City for the following anticipated meetings:

- Baseline Feeder Meetings at Valley District
- Upper Santa Ana Watershed Committee
- Lytle Creek
- Basin Technical Advisory Committee
- Utility Commission Meetings

- Rialto Basin Committee
- Perchlorate Task Force
- Technical Steering Committee at Valley District
- Fontana Over Pumping Litigation
- CIP Bi-Weekly Meetings
- Operations Bi-Weekly Meetings
- Briefing meetings with City staff and City Council Subcommittee

In addition to attending the meetings outlined above, the City has requested as-needed effort in support of the Department Head. West Yost will also provide support to the City's grant funding consultant. This effort is a time and materials hourly support to be utilized only at the request of City staff. Any non-utilized support will not be billed to the City.

Task 20 - TDS Source Water Evaluations

Over the past year, the City has reportedly experienced increased total dissolved solids (TDS) in the wastewater effluent entering the wastewater treatment plant. This increase is a disconcerting trend, that could affect the City's ability to attract industrial customers and could trigger potential discharge permit violations.

In response to this situation, the City has asked West Yost to work with the Concessionaire to evaluate the TDS situation, including an assessment of the source water blending strategy that is currently being used by the Concessionaire and its contractors/operators.

ENVIRONMENTAL IMPACT:

The proposed request is not a "Project" as defined by the California Environmental Quality Act (CEQA). Pursuant to Section 15378(a), a "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. According to Section 15378(b), a Project does not include: (5) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

GENERAL PLAN CONSISTENCY:

Approval of this action complies with the following City of Rialto General Plan Goals and Policies:

Goal 3-6: Require that all developed areas within Rialto are adequately served with essential public services and infrastructure.

Policy 3-6.4: Complete infrastructure master plans for sewer, water and drainage.

Goal 3-8: Promote affordable and quality water service capable of adequately meeting normal and emergency water demands to all areas in Rialto.

Policy 3-8.1: Require that all new development or expansion of existing facilities bear the cost of expanding the water system to handle the increased demands which they are expected

to generate.

Policy 3-8.4: Advocate regular evaluation of the entire water supply and distribution system to ensure its continued adequacy, reliability and safety.

Policy 3-8.5: Upgrade outdated and undersized water service facilities to prevent unnecessary system failures in the City's water system.

LEGAL REVIEW:

The City Attorney has reviewed and approved the staff report and Amendment.

FINANCIAL IMPACT:

West Yost's proposed fees for services are as follows:

	2013/14 Budget	2014/2015 Budget	2015/2016 Budget	2016/2017 Budget	2017/2018 Budget	Total Budget
Original Agreement	\$276,763.00	\$438,330.00	\$446,375.00	\$210,042.00	\$236,171.00	\$1,607,681.00
First Amendment	\$29,659.00					\$29,659.00
Second Amendment	\$103,038.50	\$60,000.00				\$163,038.50
Third Amendment		\$224,720.00	\$481,843.00			\$706,563.00
Fourth Amendment			\$25,762.00			\$25,762.00
Fifth Amendment			\$471,860.00			\$471,860.00
Sixth Amendment				\$448,364.00		\$448,364.00
	\$409,460.50	\$723,050.00	\$1,425,840.00	\$658,406.00	\$236,171.00	\$3,452,927.50

Table 1

Account No.	Task Description	Task #	Amount
660-500-7860-2011 / 670-500-7960-2011	Meetings	1	\$65,800.00
660-500-7860-2011 / 670-500-7960-2011	Review Annual Reports and Budgets	2	\$17,342.00
660-500-7860-2011 / 670-500-7960-2011	Review Monthly and Annual Operations and Maintenance and Customer Service Reports	3	\$54,308.00
660-500-7860-2011 / 670-500-7960-2011	Review Monthly and Annual Financial/Accounting Reports and Monthly Withdrawal Transfer Certificates	4	\$31,195.00
660-500-7860-2011 / 670-500-7960-2011	Provide Quarterly Review of Asset Management Reports	5	\$14,826.00
660-500-7860-2011 / 670-500-7960-2011	Conduct Inspections of Facilities	6	\$19,249.00
660-500-7860-3001	Review CIP Project Plans	7	\$0.00
660-500-7860-2011	Review Wastewater Chemical and Electricity Settlement Statements	8	\$8,700.00
670-500-7960-2011	Review Water Chemical and Electricity Settlement Statements	9	\$8,700.00
660-500-7860-3001	Project Initiation, Design Plans, Specifications, and Cost Reviews	10	\$0.00
660-500-7860-3001	Construction Progress Meetings	11	\$0.00
660-500-7860-2011 / 670-500-7960-2011	Progress Payments and Change Order Request Review	12	\$0.00
660-500-7860-3001	Acceptance Testing and As Built Plan Review Support	13	\$0.00
660-500-7860-2011 / 670-500-7960-2011	Provide Monthly and Annual Executive Summary Summary Reports	14	\$25,094.00
660-500-7860-2011 / 670-500-7960-2011	Engineering Studies and Master Planning Services	15	\$0.00
670-500-7960-2011	Engineering Studies and Master Planning Services associated with the Emhart Remedy	Emhart	\$0.00
660-500-7860-2011 / 670-500-7960-2011	Provide As-Needed Services for CIP Construction Oversight	16	\$0.00
660-500-7860-3001	Provide As-Needed Services for CIP Implementation		\$0.00
670-500-7960-2011	Additional Meetings, Coordination and Staff Support	18	\$409,032.00
660-500-7860-3001	Niagara Bottling Plant Development Support	20	\$4,160.00
Total for 2016/2017 Fiscal Year			\$658,406.00

Table 2

Funds are budgeted and available in the Water Fund and Wastewater Funds as detailed in Table 2 above in FY 2016/2017 for the additional scope of work for \$658,406.

RECOMMENDATION:

Staff recommends that the City Council Approve Amendment No. 6 to the Professional Services Agreement with West Yost Associates increasing the contract price in the amount of \$658,406 for Fiscal Year 2016/2017 revising the cumulative Total Contract Cost to the Amount of \$3,452,927.50.